

REMARKS

The Office action mailed 11 December 2006, has been received and its contents carefully noted. Claims 5, 9, 12, 34, 35, 37, 38, 40, 42, 46, 48, 53 and 54 were allowed, claim 44 was objected to and claims 43, 51, 52, 55 and 56 were rejected. By this amendment, claims 44, 51 and 55 have been amended and claim 43 has been canceled. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended are respectfully requested.

Telephonic Interview(s)

Applicants greatly appreciate the Examiner taking the time to conduct a telephonic interview spanning several telephone calls placed over the past week and discussing this application with Quality Assurance Specialists (especially in view of the new addition to the Examiner's family during this period).

Claim Objection – Claim 55

The Examiner objected to claim 55 for delineating step (d) twice.

Applicants have amended claim 55 to address the typographical error. Claim 55, as amended, now indicates the second “(d)” as “(f)”.

Therefore, the objection to claim 55 should properly be withdrawn.

Rejection under 35 U.S.C. 112, second paragraph – Vector claim 43

The Examiner rejected 43 and 51-52 under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner indicated that the vector claim 42 was indefinite.

In order to advance prosecution and in view of the allowed vector claim 38, claim 43 has been canceled, claim 44 has been rewritten in independent form, and 51 has been amended to depend on claim 38.

Therefore, the rejection under 35 U.S.C. 112, second paragraph, should properly be withdrawn.

Rejection under 35 U.S.C. 112, first paragraph – Vector claim 43

The Examiner rejected claims 43 and 51-52 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description and enablement requirements. Specifically, the Examiner indicated that claim 43 is interpreted to include any vector having a fragment comprising at least 30 nucleotides of SEQ ID NO:1 or a complement thereof.

In order to advance prosecution and in view of the allowed vector claim 38, claim 43 has been canceled, claim 44 has been rewritten in independent form, and 51 has been amended to depend on claim 38.

Therefore, the rejection under 35 U.S.C. 112, first paragraph, should properly be withdrawn.

Rejection under 35 U.S.C. 112, first paragraph – Method claim 55

The Examiner rejected claims 55 and 56 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner indicated that the specification does provide written description support for L-amino acid production by attenuation, but does not provide written description support for L-amino acid production by “inducing expression” as recited in claim 55. See Office action, page 4, last paragraph, and throughout the original Specification, e.g. Example 5, paragraph 94 “By addition of IPTG, attenuated expression of the deaD gene occurs”.

Applicants respectfully submit that claim 55, as amended, indicates that the preparation of L-amino acids is by attenuating the expression of one of the recited polynucleotides.

Therefore, the rejection of claims 55 and 56 under 35 U.S.C. 112, first paragraph, should properly be withdrawn.

Allowable Subject Matter

The Examiner indicated that claims 5, 9, 12, 34-35, 37-38, 40, 42, 46, 48 and 53-54 are allowable over the art and that claim 44 would be allowable if written in independent form including all of the limitations of the base claim and any intervening claim.

Applicants respectfully submit that claim 44 has been rewritten in independent form and should be found allowable over the art.

Applicants respectfully submit that the amendments to claim 51 and 55 place claims 51-

52 and 55-56 in a condition for allowance.

Request for Interview

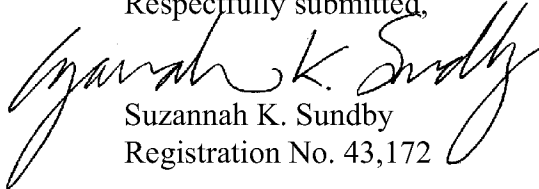
Either a telephonic or an in-person interview is respectfully requested should there be any remaining issues.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300**, Attorney Docket No. **032301WD230**.

Respectfully submitted,



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